

REMARKS

I. Introduction

Claims 1-3 and 5-15 are currently pending in the present application after cancellation of claim 4. Claims 1, 5, 6, 8 and 11 have been amended.

Applicant thanks the Examiner for indicating that claims 6 and 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, claim 6 has been amended to be in independent form including the limitations of base claim 1 and intervening claim 4. Accordingly, claim 6 and its dependent claim 7 are in allowable condition.

II. REJECTION OF CLAIMS 1-5 AND 8-15

Claims 1-3 and 8-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art ("AAPA") in view of Lee (U.S. Patent No. 6,934,785). Applicant notes that independent claims 1, 8 and 11 have been amended to incorporate the features of now-cancelled claim 4. Since the combination of AAPA and Lee clearly fails to teach the features of claim 4, as acknowledged by the Examiner, Applicant submits that the obviousness rejection of claims 1, 8 and 11, as well as their dependent claims 2-3, 9-10 and 12-15, should be withdrawn.

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Lee, and further in view Coakeley (U.S. Patent No. 6,920,604). As noted above, claim 4 has been cancelled, and independent claims 1, 8 and 11 have been amended to incorporate the features of now-cancelled claim 4. In view of the amendments to independent claims 1, 8 and 11, Applicant will address the overall teachings of AAPA, Lee and Coakeley as applied against rejected claims 1, 8 and 11, as well as their dependent claims 2-3, 5, 9-10 and 12-15. Applicant respectfully submits that this obviousness rejection should be withdrawn for at least the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine

reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). To the extent the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended independent claim 1 recites, in relevant parts, “a symmetry of transmission of the data signal is violated **for transmitting the selection signal.**” Amended independent claims 8 and 11 recite features substantially identical to the above-recited features of amended claim 1. While the Examiner contends that column 6, lines 6-18 and 55-59 of Coakeley suggests the feature that “a symmetry of transmission of the data signal is violated **for transmitting the selection signal,**” the actual disclosure of Coakeley clearly indicates that **the parity violations have nothing to do with the selection signal**, as discussed in further detail below.

Coakeley discloses using parity violations, e.g., violations of the rule for a sequence of parity bits (see, e.g., col. 5, l. 65). In particular, the parity violations at the FDSD input are used for indicating the start of a packet or the start of a multi-frame (see, e.g., col. 6, l. 6-20), and the parity violations at the SDSD input are used for indicating the end of a packet or the start of each frame within a multi-frame (see, e.g., col. 6, l. 25-32). In this context, it should be noted that the parity bits of Coakeley are transmitted either within the data packets or via a separate vertical parity line (see, e.g., the embodiment of Fig. 7), and the parity bits are provided in order to ensure sufficient 0-1 and 1-0 transitions for the receiver PLL (phase-locked loop) to lock (see, e.g., col. 5, l. 13-18). Accordingly, the parity bits and the parity violations of Coakeley have nothing to do with transmitting data signals, let alone transmitting selection signals. To the extent the Examiner contends that “[o]ne would be motivated to use symmetry violations to transmit the selection signals over the differential data bus to allow the

selection signals to be transmitted at the same [time] as normal data signals on the data bus," Applicant notes that this conclusion is a pure speculation, since Coakeley provides absolutely no suggestion that the parity violations have anything to do with "transmitting the selection signal."

In view of the foregoing, Applicant submits that independent claims 1, 8 and 11, as well as their dependent claims 2-3, 5, 9-10 and 12-15, are patentable over the combination of AAPA, Lee and Coakeley.

Independent of the above, dependent claim 5 recites "synchronizing the at least one peripheral element by using a symmetry violation between two transmitted data words." As noted above in connection with claim 1, the parity violations of Coakeley have nothing to do with transmitting data signals, and the parity violations of Coakeley clearly do not have any relevance to "synchronizing the at least one peripheral element." For at least this additional reason, claim 5 is patentable over the combination of AAPA, Lee and Coakeley.

Conclusion

In light of the foregoing, it is respectfully submitted that all of the presently pending claims 1-3 and 5-15 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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